

Article 5. Private Swimming Pool Regulations

4-501 DEFINITIONS For the purpose of this Article, certain terms are herewith defined as follows:

501.1 PRIVATE shall mean that it is not open to the public, that it is not publicly owned or not otherwise regulated by the State of Kansas, either by statute or by rules and regulations of one of its administrative bodies. (Ord. 1459, Sec. 1)

501.2 SWIMMING POOL shall mean any artificially constructed permanent or portable pool capable of being used for swimming or bathing, having a depth of three (3) feet or more at any point and a water surface of one hundred (100) square feet or more. (Ord. 1459, Sec. 1)

4-502 PERMIT REQUIRED. No private swimming pool shall be constructed upon any lot, plat, tract or premises, unless the owner, contractor or duly authorized agent shall have first complied with the provisions of the Article. The cost of said permit shall be Twenty Dollars (\$20.00) plus all applicable fee under the building code. (Ord. 1459, Sec. 2)

4-503 APPLICATION FOR PERMIT; PLANS REQUIRED; APPROVAL. Application for construction and maintenance of a private swimming pool shall be made to the City of Gardner by the owner of the property or by the contractor who is to construct the swimming pool. The application shall be accompanied by a duplicate set of plans, specifications and plot plans of the property. The plot plan shall show the accurate location of the proposed swimming pool on the property together with any proposed bath houses or cabanas. The plot plan shall also show the location, type and height of fencing or enclosure as may be required in 4-505. (Ord. 1459, Sec. 3)

4-504 RESTRICTED AS TO USE. All swimming pools built within the corporate limits of the City of Gardner, Kansas in District R-1 to R-5 shall be for private purposes and restricted to non-commercial use and limited to the owners, tenants and/or their invited guests, and no charge or contribution shall be required or permitted for persons using said swimming pools. (Ord. 1459, Sec. 4)

4-505 FENCING REQUIRED. Each swimming pool shall be completely enclosed by a fence or other permanent enclosure around the perimeter of said pool and/or the private property which the pool is located. This enclosure or fence shall be not less than 5 (five) feet in height and provided with gates equipped with locks which shall be locked when the pool is not attended. (Ord. 1909, Sec. 4)

4-506 CONNECTION TO CITY UTILITIES. All private swimming pools connected to the sewer system and/or the water system shall be under the strict supervision of the City and said swimming pools may be filled or emptied during such time and hours as authorized by the City. All piping, drains and water purification equipment shall be installed in accordance with the provisions of the plumbing codes of the City. No source of water other than that secured from the City water distribution system shall be used. All electric wiring shall comply with City and the adopted codes. (Ord. 1459, Sec. 6)

4-507 ZONING AND SET BACKS. All persons building private swimming pools as herein authorized shall be required to comply with the requirements of the Zoning Ordinance. Private swimming pools shall be located behind the front building line and behind the back line of the residence and not less than nine (9) feet from any rear or side property line. In case of corner lots, pools shall be located a distance of twenty (20) feet from the street side property line and behind the front building line and back line of the residence. No pool shall be built on any public easements. (Ord. 1459, Sec. 7)

4-508 PUBLIC NUISANCE. All swimming pools herein authorized shall be used, maintained, and operated in a manner that shall not constitute a public nuisance in the neighborhood where operated and any continued infringement thereof or unreasonable noises shall constitute a public nuisance. (Ord. 1459, Sec. 8)